

## HUMAN SERVICES DEPARTMENT[441]

## Adopted and Filed

Pursuant to the authority of Iowa Code section 234.6(4), the Department of Human Services amends Chapter 11, "Collection of Public Assistance Debts," Iowa Administrative Code.

The amendments reflect the consolidation and simplification of forms used to notify households of public assistance overpayments. A notice of debt is issued to inform the debtor of the amount owed and the reason for the debt and to request the debtor to enter into a repayment agreement. Under these amendments, use of eleven notice of debt forms is discontinued. Three forms are retained, and the following forms are added to replace those discontinued:

- Form 470-4530, Notice of Child Care Assistance Overpayment;
- Form 470-4668, Notice of Food Assistance Overpayment;
- Form 470-4683, Notice of FIP or RCA Overpayment; and
- Form 470-4688, Notice of PROMISE JOBS Overpayment.

The existing forms have been revised to simplify the language, add the suggested minimum payment amounts, and add language that tells debtors to call the Department of Inspections and Appeals (DIA) to discuss other options if the debtor is unable to pay the suggested minimum amount. The revised forms are expected to reduce confusion for debtors who receive them and reduce the number of questions to the DIA.

These amendments do not provide for waivers in specified situations because they merely make technical changes. They do not affect the conditions for establishing or repaying a debt.

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin on March 25, 2009, as **ARC 7654B**. The Department received no comments on the Notice of Intended Action.

Due to the amount of time allowed for appeals of overpayment notices, appeals may still be filed after the effective date of these amendments based on discontinued forms issued for the Food Assistance, Family Investment, Refugee Cash Assistance, and PROMISE JOBS programs. However, the transition to the new form for Child Care Assistance will not result in any overlap in appeals, so it is not necessary to maintain references to those discontinued forms. Therefore, the Department has revised Item 2 to strike paragraphs 11.2(2)"g," "h," and "i," and reletter the succeeding paragraphs accordingly.

The Council on Human Services adopted these amendments on May 13, 2009.

These amendments are intended to implement Iowa Code sections 217.34, 234.12, 239B.14, and 249A.5.

These amendments shall become effective on July 8, 2009.

The following amendments are adopted.

ITEM 1. Amend rule **441—11.1(217)**, definition of "Written notification," as follows:

"*Written notification*" shall mean the notification sent to a debtor by the department on Form 470-1668, Notice of Setoff of an Iowa Income Tax Refund for Debts Owed the Department of Human Services, Form ~~427-0538~~ 470-4139, Notice of Income Offset Against State Warrants ~~for Debts Owed the Department of Human Services~~, and Form ~~427-0539~~ 470-4140, Notice of Income (Payroll) Offset ~~Against State Warrants for Debts Owed the Department of Human Services~~.

ITEM 2. Amend subrule 11.2(2) as follows:

**11.2(2) Notice of debt.** A claim is established when the first notice of the debt is issued to the household on one of the following forms:

- a. Form 470-0338, Demand Letter for Food Assistance Agency Error Overissuance (no longer issued).
- b. Form 470-2616, Demand Letter for FIP/RCA Agency Error Overissuance (no longer issued).
- c. Form 470-2891, ~~Demand Letter~~ Notice of Medical Assistance Overpayment.

- d.* Form 470-3486, Demand Letter for Food Assistance Intentional Program Violation Overissuance (no longer issued).
- e.* Form 470-3487, Demand Letter for Food Assistance Inadvertent Household Error Overissuance (no longer issued).
- f.* Form 470-3490, Demand Letter for FIP/RCA Client Error Overissuance (no longer issued).
- ~~*g.* Form 470-3627, Demand Letter for Child Care Assistance Provider Error Overissuance.~~
- ~~*h.* Form 470-3628, Demand Letter for Child Care Assistance Agency Error Overissuance.~~
- ~~*i.* Form 470-3807, Demand Letter for Child Care Assistance Client Error Benefit Overissuance.~~
- ~~*j.*~~ *g.* Form 470-3984, Notice of Healthy and Well Kids in Iowa (HAWK-I) Premium Overpayment.
- ~~*k.*~~ *h.* Form 470-3990, Demand Letter for PROMISE JOBS Agency Error Overissuance (no longer issued).
- ~~*l.*~~ *i.* Form 470-3991, Demand Letter for PROMISE JOBS Client Error Overissuance (no longer issued).
- ~~*m.*~~ *j.* Form 470-3992, Demand Letter for PROMISE JOBS Provider Error Overissuance (no longer issued).
- ~~*n.*~~ *k.* Form 470-4179, Notice of Food Assistance ~~Trafficking~~ Debt.
- l.* Form 470-4530, Notice of Child Care Assistance Overpayment.
- m.* Form 470-4668, Notice of Food Assistance Overpayment.
- n.* Form 470-4683, Notice of FIP or RCA Overpayment.
- o.* Form 470-4688, Notice of PROMISE JOBS Overpayment.

[Filed 5/13/09, effective 7/8/09]

[Published 6/3/09]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/3/09.